

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	Judge Charles E. Rendlen III
)	Chapter 7
EVETTE NICOLE REED,)	
Debtor.)	Case No. 14-44818-705
_____)	
In re:)	
)	
PAULINE A. BRADY,)	
Debtor.)	Case No. 14-44909-705
_____)	
In re:)	
)	
LAWANDA LANAE LONG,)	
Debtor.)	Case No. 14-45773-705
_____)	
In re:)	
)	
MARSHALL LOUIS BEARD,)	
Debtor.)	Case No. 14-43751-705
_____)	
In re:)	
)	
DARRELL MOORE and)	
JOCELYN ANTOINETTE MOORE,)	
Debtors.)	Case No. 14-44434-705
_____)	
In re:)	
)	
NINA LYNNE LOGAN,)	
Debtor.)	Case No. 14-44329-705
_____)	
In re:)	
)	
JOVON NEOSHA STEWART,)	
Debtor.)	Case No. 14-43912-705
_____)	
In re:)	
)	
ANGELIQUE RENEE SHIELDS,)	
Debtor.)	Case No. 14-43914-705
_____)	

) **MOTION TO COMPEL TURNOVER**
)
)
) **Hearing Date: January 7, 2015**
) **Hearing Time: 9:30 a.m.**
)
)

Chapter 7 Trustees Seth A. Albin, E. Rebecca Case, David A. Sosne, Robert J. Blackwell, Kristin J. Conwell and Tom K. O'Loughlin (collectively the "Trustees"), pursuant to 11 U.S.C. §329, 542(a), 542(e) and Rule 2017 file this their Motion to Compel Turnover ("Motion") and in support thereof, states as follows:

1. The Court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §§151, 157, and 1334, and Local Rule 81-9.01(B) of the United States District Court for the Eastern District of Missouri.

2. Debtor Evette Nicole Reed ("Debtor Reed") filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on June 14, 2014.

3. Seth A. Albin was appointed Chapter 7 Trustee for Debtor Reed in Case No. 14-44818.

4. Debtor Pauline A. Brady ("Debtor Brady") filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on June 18, 2014.

5. E. Rebecca Case was appointed Chapter 7 Trustee for Debtor Brady in Case No. 14-44909.

6. Debtor Lawanda Lanae Long ("Debtor Long") filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on July 22, 2014.

7. David A. Sosne was appointed Chapter 7 Trustee for Debtor Long in Case No. 14-45773.

8. Debtor Marshall Louis Beard (“Debtor Beard”) filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on May 8, 2014.

9. Robert J. Blackwell was appointed Chapter 7 Trustee for Debtor Beard in Case No. 14-43751.

10. Debtors Darrell Moore and Jocelyn Antoinette Moore (“Debtor Moore”) filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on May 30, 2014.

11. Kristin J. Conwell was appointed Chapter 7 Trustee for Debtor Moore in Case No. 14-44434.

12. Debtor Nina Lynne Logan (“Debtor Logan”) filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on May 28, 2014.

13. Tom K. O’Loughlin was appointed Chapter 7 Trustee for Debtor Logan in Case No. 14-44329.

14. Debtor Jovon Neosha Stewart (“Debtor Stewart”) filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on May 14, 2014.

15. David A. Sosne was appointed Chapter 7 Trustee for Debtor Stewart in Case No. 14-43912.

16. Debtor Angelique Renee Shields (“Debtor Shields”) filed a Chapter 7 Petition for Relief under the provisions of Chapter 7 of Title 11 on May 14, 2014.

17. David A. Sosne was appointed Chapter 7 Trustee for Debtor Shields in Case No. 14-43914.

18. On November 26, 2014, the Court entered an Order Directing (I) James Robinson to Show Cause as to Why His Fees Should Not be Disgorged Under § 329(b), and (II) the Chapter 7 Trustee to Provide Information Related to Fees (the “Show Cause Order”). A copy of the Show Cause Order is attached hereto and incorporated herein as **“EXHIBIT 1”**.

19. On December 2, 2014 the Court entered an Additional Order Directing (I) James Robinson to Show Cause as to Why His Fees Should Not Be Disgorged Under § 329(b), and (II) the Chapter 7 Trustee to Provide Information Related to Fees (the “Additional Show Cause Order”). A copy of the Additional Show Cause Order is attached hereto and incorporated herein as **“EXHIBIT 2”**.

20. On December 3, 2014 the Trustees sent a letter to Ross H. Briggs, James Clifton Robinson and Critique Legal Services requesting them to provide all of the information and supporting and verifying documentation (the “Information and Documents”) referenced in the Show Cause Order to each of the respective Trustees no later than December 10, 2014 (the “December 3, 2014 Letter”). A copy of the December 3, 2014 Letter is attached hereto and incorporated herein as **“EXHIBIT 3”**.

21. The Information and Documents are property of each bankruptcy estate.

22. Critique Legal Services has failed to turn over the Information and Documents.

23. Ross H. Briggs sent a letter dated December 8, 2014 to the Trustees, a copy of which is attached hereto and incorporated herein as **“EXHIBIT 4”**; however, the letter was not fully responsive to the request for the Information and Documents.

24. James Robinson sent a letter dated December 8, 2014 to the Trustees, a copy of which is attached hereto and incorporated herein as **“EXHIBIT 5”**; however, the letter was not

fully responsive to the request for the Information and Documents including failing to answer (ii)(b), (ii)(c) and (ii)(d).

25. Pursuant to 11 U.S.C. §329, 521(3), 542(e), Rule 2017, the Show Cause Order and the Additional Show Cause Order, Ross H. Briggs, James Clifton Robinson and Critique Legal Services have a duty to cooperate with the Trustees as necessary to enable each Trustee to perform his or her duties and also to provide information and documents relating to fees and the estate.

26. The failure of Ross H. Briggs, James Clifton Robinson and Critique Legal Services to turn over the Information and Documents prevents or hinders the Trustees from complying with the Show Cause Order, the Additional Show Cause Order and their duties. The Trustees have the right to inquire about the uses of property of the estate; the amount, extent and the source and payment of fees; and all other aspects of the administration of the estate as required by order, statute and rule. The attorneys and entities that have information and knowledge relating to the above are required to comply with the above and to make full disclosure to the Court and the Trustees.

27. Since the issuance of the Show Cause Order and the Additional Show Cause Order, the Court issued a third order on December 10, 2014 (the "Third Order"). The Third Order requests that the Trustees obtain additional information to supplement the previous orders. The Trustees request that Ross H. Briggs, James Clifton Robinson and Critique Legal Services provide all additional information and supporting documents responsive to the Third Order.

WHEREFORE, the Trustees respectfully request that this Court enter an order compelling Ross H. Briggs, James Clifton Robinson and Critique Legal Services to immediately

turn over the Information and Documents specified in the Show Cause Order and Additional Show Cause Order and to turn over the additional information and supporting documents responsive to the Third Order to each of the respective Trustees and granting such other and further relief as the Court deems just and proper.

STEWART, MITTLEMAN, HEGGIE &
HENRY

By: /s/ Seth A. Albin
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*Chapter 7 Trustee for Debtor Evette Nicole
Reed*

SUMMERS COMPTON WELLS LLC

By: /s/ David A. Sosne
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St. Louis, Missouri 63124
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Fax: (314) 991-2413
E-mail: dsosne@scwh.com
*Chapter 7 Trustee for Debtors Lawanda Lanae
Long, Jovon Neosha Stewart, and Angelique
Renee Shields*

CONWELL LAW FIRM LLC

By: /s/ Kristin J. Conwell
Kristin J. Conwell - EDMO #58735MO
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E-mail: kconwell@conwelllawfirm.com
*Chapter 7 Trustee for Debtors Darrell Moore
and Jocelyn Antoinette Moore*

STONE, LEYTON & GERSHMAN
A Professional Corporation

By: /s/ E. Rebecca Case
E. Rebecca Case - EDMO #38010MO
7733 Forsyth Boulevard, Suite 500
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chapter7trustee@stoneleyton.com
*Chapter 7 Trustee for Debtor Pauline A.
Brady*

BLACKWELL AND ASSOCIATES

By: /s/ Robert J. Blackwell
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P.O. Box 310
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*Chapter 7 Trustee for Debtor Marshall
Louis Beard*

O'LOUGHLIN, O'LOUGHLIN et al.

By: /s/ Tom K. O'Loughlin
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*Chapter 7 Trustee for Debtor Nina Lynne
Logan*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via first class, United States mail, postage prepaid and/or electronic notice on December 12, 2014 to:

1. Ross H. Briggs
Post Office Box 58628
St. Louis, Missouri 63158
2. James Clifton Robinson
Critique Legal Services
3919 Washington Boulevard
St. Louis, Missouri 63108
3. Critique Legal Services
Attn: Managing Agent
Attn: Ross H. Briggs
Attn: James Clifton Robinson
3919 Washington Boulevard
St. Louis, Missouri 63108
4. Office of the United States Trustee
Thomas F. Eagleton Courthouse
111 South Tenth Street, Suite 6353
St. Louis, Missouri 63102
5. Evette Nicole Reed Debtor
2816 Burd Avenue
St. Louis, Missouri 63120
6. Pauline A. Brady Debtor
1732 Delrosa Way
St. Louis, Missouri 63138
7. Lawanda Lanae Long Debtor
2136 E. Alice, 1st Floor
St. Louis, Missouri 63107
8. Marshall Louis Beard Debtor
224 Country Shire Drive
St. Louis, Missouri 63367
9. Darrell Moore Debtor
230 N. Schlueter Avenue
St. Louis, Missouri 63135
10. Jocelyn Antoinette Moore Debtor
230 N. Schlueter Avenue
St. Louis, Missouri 63135
11. Nina Lynne Logan Debtor
308 Chalmette Drive
Hazelwood, Missouri 63042

12. Jovon Neosha Stewart Debtor
4335 Norfolk
St. Louis, Missouri 63110

13. Angelique Renee Shields Debtor
2622 Accomac Street, 1st Floor
St. Louis, Missouri 63104


NAME: _____